Hovsepian v. Apple, Inc.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE BRANCH

In Re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **JOINDER IN THE REPLY MEMORANDA OF THE ROUND 3 CABLE DEFENDANTS AND THE ROUND 2 SATELLITE DEFENDANTS IN SUPPORT OF THEIR MOTIONS FOR SUMMARY JUDGMENT DECLARING THE '992, '863, AND '702 PATENTS INVALID**

The undersigned Round 2 Defendants[1] join in the reply memoranda (filed as Docket Item Nos. 334 and 332) in support of the Round 3 Cable Defendants' and the Round 2 Satellite Defendants' respective motions for summary judgment of invalidity as they relate to the '992, '863 and '702 patents.[2]

[1] Wide Open West Ohio LLC; Armstrong Group; Massilon Cable TV, Inc.; East Cleveland Cable TV and Communications LLC; Mid-Continent Media, Inc.; Cannon Valley Communications, Inc.; US Cable Holdings, LP; Arvig Communications Systems; Sjoberg's Cablevision, Inc.; Loretel Cablevision, Inc.; NPG Cable, Inc.; Block Communications, Inc.; and Savage Communications, Inc.

[2] The undersigned counsel is also counsel to the Round 2 Defendant Charter Communications, Inc., which on March 27, 2009 filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code. (*See* Docket Item No. 331.) As a result of that petition, Acacia's claims against Charter are stayed pursuant to 11 U.S.C. § 362, and thus Charter does not participate in this joinder. Charter, however, reserves the right to formally join the instant reply memoranda, and otherwise to benefit from any action taken by the Court with respect to the pending motions, at a later date.

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April 6, 2009

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: /s Jon-Thomas Bloch

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2009, I caused the foregoing **JOINDER IN THE REPLY MEMORANDA OF THE ROUND 3 CABLE DEFENDANTS AND THE ROUND 2 SATELLITE DEFENDANTS IN SUPPORT OF THEIR MOTIONS FOR SUMMARY JUDGMENT DECLARING THE '992, '863, AND '702 PATENTS INVALID** to be filed electronically with the Clerk of the Court through the Court's Electronic Filing System, and that the Court's Electronic Filing System will send an e-notice of the electronic filing to counsel of record for all parties via the Court's ECF system.

/s Jon-Thomas Bloch
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